

200,509-8



WSBA
OFFICE OF DISCIPLINARY COUNSEL

Sachia Stonefeld Powell
Disciplinary Counsel

direct line: 206-733-5907
fax: 206-727-8325

July 16, 2007

Ronald R. Carpenter, Clerk
Supreme Court of Washington
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Re: In re John G. Gissberg, Bar No. 19677

Dear Mr. Carpenter:

Enclosed is a Petition for Interim Suspension of John G. Gissberg, along with the Disciplinary Counsel Declaration. Also enclosed is a declaration of service by mail. See ELC 7.2(b)(1).

Please present these documents to the Chief Justice for appropriate action.

Sincerely,

Sachia Stonefeld Powell

Sachia Stonefeld Powell
Disciplinary Counsel

Enclosures

cc: John G. Gissberg

RECEIVED
SUPREME COURT
CLERK
07 JUL 18 AM 7:46
BY RONALD R. CARPENTER

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

JOHN G. GISSBERG,

Lawyer (Bar No. 19677).

Supreme Court No.

ASSOCIATION'S PETITION
FOR INTERIM SUSPENSION

Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Washington State Bar Association (Association) petitions this Court for an Order of Interim Suspension of Respondent John G. Gissberg pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Sachia Stonefeld Powell, filed with this Petition.

Statement of Grounds/Argument

1. Respondent John G. Gissberg failed to respond to the Association's requests that he respond to a grievance filed against him, and failed to appear at a non-cooperation deposition to which he was subpoenaed.

2. Respondent failed to produce trust account documents in response to a subpoena duces tecum issued by Disciplinary Counsel under ELC 5.3(f)(1). The subpoena was issued due to Respondent's failure to respond to the Association's requests for his response dated April 19, 2007 and May 23, 2007.

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CLERK

3. It is necessary to obtain Respondent's response and records so the Association can determine the cause of the overdrafts on Respondent's trust account. By refusing to provide a response or produce the requested documents, Respondent has impeded and delayed the disciplinary process. Accordingly, the Association asks this Court to order Respondent's immediate interim suspension pending compliance with the Association's investigation.

Standard

4. Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when a lawyer fails without good cause to comply with a request from the Association for information or documents or fails without good cause to comply with a subpoena.¹ Respondent's failure to comply with the Association's requests for his response and subpoena duces tecum meets this standard.

¹ ELC 7.2(a)(3) provides:

Failure to Cooperate with Investigation. When any lawyer fails without good cause to comply with a request under rule 5.3(f) for information or documents, or with a subpoena issued under rule 5.3(f), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. If the lawyer complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

Effect of Respondent's Failure to Cooperate

5. The lawyer discipline system provides "protection of the public and preservation of confidence in the legal system." In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352 (1983). Given the limited resources available to investigate allegations of lawyer misconduct, "such investigations depend upon the cooperation of attorneys." Id. at 931.

6. "Compliance with these rules is vital." In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983). Because Respondent has not responded to the grievance, has not produced the requested trust account documents, and has not appeared for a deposition, the Association has not been able to determine the cause of the overdrafts on Respondent's trust account. The Association's effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

Conclusion

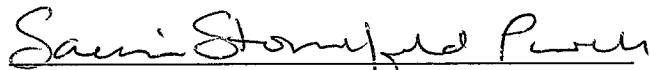
Respondent's failure to cooperate with a disciplinary investigation is an ongoing violation of ELC 5.3. Accordingly, the Association asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring Respondent to appear before the Court on such date as the Chief Justice

may set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 16th day of July, 2007.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION

A handwritten signature in cursive script, reading "Sachia Stonefeld Powell", written over a horizontal line.

Sachia Stonefeld Powell, Bar No. 21166

Disciplinary Counsel

1325 4th Avenue, Suite 600

Seattle, WA 98101-2539

(206) 733-5907

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

JOHN G. GISSBERG,
Lawyer (Bar No. 19577).

Supreme Court No.

DISCIPLINARY COUNSEL
DECLARATION

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STATE OF WASHINGTON
07 JUL 18 AM 7:46
BY RONALD P. CARPENTER
CLERK

I, Sachia Stonefeld Powell, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary investigation of lawyer John G. Gissberg. This declaration is submitted in support of the Association's Petition for Interim Suspension.

2. On April 18, 2007, the Association received a Notice of Insufficient Funds from U.S. Bank. This Notice indicates that the bank paid two checks drawn on Respondent's trust account, causing the account to have a negative balance.

3. On April 19, 2007, the Association sent Respondent a letter requesting his response regarding the overdrafts within two weeks of the date of the letter. A copy of the letter is attached hereto as Exhibit 1.

4. Respondent did not provide a response.

5. On May 23, 2007, the Association sent Respondent a reminder letter, requesting his response regarding the overdrafts by June 5, 2007. A copy of the letter is attached hereto as Exhibit 2.

6. This letter was sent to Respondent via certified mail to his address on record with the Association. Respondent failed to collect the certified letter at the post office and it was returned to the Association.

7. Respondent did not provide a response.

8. On June 18, 2007, I prepared a subpoena duces tecum compelling Respondent's attendance at a deposition to be held on July 10, 2007. The subpoena duces tecum also compelled the production of certain documents. A copy of the subpoena duces tecum is attached hereto as Exhibit 3.

9. On June 19, 2007, Respondent was personally served with the subpoena duces tecum. A copy of the Affidavit of Service is attached hereto as Exhibit 4.

10. Respondent did not appear for the deposition on July 10, 2007, and did not provide the requested documents.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

July 16, 2007
Date & Place

Sachia Stonefeld Powell
w/TA

Sachia Stonefeld Powell
Sachia Stonefeld Powell
Bar No. 21166
Disciplinary Counsel



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto
Senior Disciplinary Counsel

Trina Doty
Audit Manager
(206) 727-8242

April 19, 2007

REQUEST FOR RESPONSE
TRUST ACCOUNT OVERDRAFT NOTIFICATION

WSBA File No. 07-00682

John G. Gissberg
Attorney at Law
715 S. Lane St., Ste. C
Seattle, WA 98104

Dear Mr. Gissberg:

Enclosed is a copy of a Trust Account Overdraft Notice received by the Association. This matter has been assigned to me for investigation. Pursuant to Rule 15.4(d) of the Rules for Enforcement of Lawyer Conduct (ELC), please provide a complete explanation of the overdraft. A copy of ELC 15.4 is enclosed for your information. Please provide supporting documentation with your explanation.

This request for a response does not mean that we have made any conclusion regarding this overdraft notice. However, we are required to make this inquiry in order to comply with our responsibilities to the Supreme Court of the State of Washington.

The Rules for Enforcement of Lawyer Conduct govern grievances, including trust account overdrafts. You may want to familiarize yourself with these rules. The enclosed copy of ELC 5.3 states the obligations of a respondent lawyer, including the duty to promptly respond to this request. We would appreciate receiving your written response within two weeks of the date of this letter.

Please direct your response to my attention.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Trina Doty".

Trina Doty
Audit Manager

Enclosures: overdraft notice
ELC 15.4 & 5.3

Exhibit 1



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto
Senior Disciplinary Counsel

Trina Doty
Audit Manager
(206) 727-8242

May 23, 2007

CERTIFIED RETURN RECEIPT NO. 7003 2260 0001 6610 9821

John G. Gissberg
Attorney at Law
715 S. Lane St., Ste. C
Seattle, WA 98104

Re: Trust Account Overdraft
WSBA File No. 07-00682

Dear Mr. Gissberg:

On April 19, 2007, we asked you to provide to our Auditor a written response as to the circumstances of the above referenced overdraft. To the best of my knowledge, your response, which is required by Rule 5.3 of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response explaining the circumstances of this overdraft within ten days after service of this letter, i.e., on or before June 5, 2007. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2).

You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Please direct your response directly to our Auditor, Trina Doty. If you need an extension of time, please feel free to contact me to discuss the matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Marsha Matsumoto".

Marsha Matsumoto
Senior Disciplinary Counsel

CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED A COPY OF THE FOREGOING LETTER TO BE MAILED TO John G. Gissberg RESPONDENT AT 715 S. Lane St., Ste. C, Seattle, WA 98104, CERTIFIED MAIL, POSTAGE PREPAID, ON THE 23rd DAY OF May, 2007.

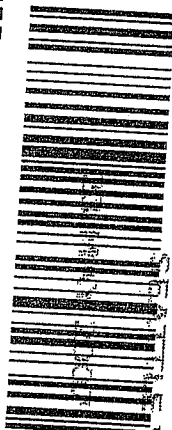
A handwritten signature in cursive script that reads "Marsha Matsumoto".
DISCIPLINARY COUNSEL



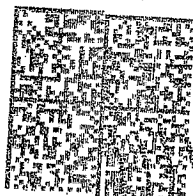
WSBA

Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2559

CERTIFIED MAIL



7003 2260 0001 6510 9821



US POSTAGE
Mailed From 98101
05/23/2007

REASON CHECKED
RETURNED TO SENDER
NO SUCH STREET NUMBER
NO SUCH OFFICE IN CITY
DO NOT REMAIL IN THIS OFFICE

JOHN G GISSBERG
GISSBERG INTERNATIONAL LAW OFFICE
715 8 LANE ST STE C
SEATTLE WA 98104-3022

38101/2559

See Back for Instructions

PS Form 3800, June 2002

Sent To John G. Gissberg
Street, Apt. No., 715 S. Lane St. Ste. C
or PO Box No.
City, State, ZIP+4 Seattle WA 98104

Postage	\$	Total Postage & Fees	\$
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			

5/23/07

Postmark Here

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For delivery information visit our website at www.usps.com

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

U.S. Postal Service™

7003 2260 0001 6510 9821

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7 BEFORE THE
8 DISCIPLINARY BOARD
9 OF THE
WASHINGTON STATE BAR ASSOCIATION

10 In re

11 JOHN G. GISSBERG,
12 Lawyer
13 WSBA No. 19677

WSBA File No.

SUBPOENA DUCES TECUM

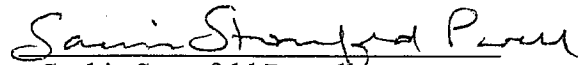
14
15 THE STATE OF WASHINGTON TO: JOHN G. GISSBERG

16 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules
17 for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar
18 Association offices, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101, on **Tuesday,**
19 **July 10, 2007, at 1:00 p.m.,** to testify in investigatory proceedings being conducted by the
20 Washington State Bar Association.

21 YOU ARE FURTHER COMMANDED to bring the following with you at the
22 above time:

- 23 1. Your complete file and whatever documents may be in your possession or
24 control relating to overdrafts on your trust account on April 9, and April 30,
25 2007, and all financial records relating to your trust account, including trust
26 account ledgers, canceled checks, and bank statements.
27

DATED this 18th day of June, 2007.



Sachia Stonefeld Powell,

WSBA No. 21166

Disciplinary Counsel

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BEFORE THE DISCIPLINARY BOARD OF THE
WASHINGTON STATE BAR ASSOCIATION

In re:

JOHN G. GISSBERG,
Lawyer (WSBA No. 19677)

WSBA File No. 07-00682

AFFIDAVIT OF SERVICE

State of Washington)
County of King S/S)

The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **June 19, 2007, at 10:51 AM**, at the address of **715 South Lane Street, Suite C**, Seattle, Washington, affiant duly served **Subpoena Duces Tecum and Letter** in the above entitled action upon **John G. Gissberg** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **John G. Gissberg** (late 50s, white, male, 5' 7", thin build) named witness.

SEATTLE LEGAL

MESSENGER SERVICES LLC

711 6th Ave North #100, Seattle, WA 98109
206-443-0885

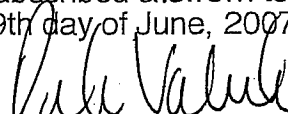
Service	\$15.00
Mileage	\$15.00
Affidavit	\$15.00
Misc.	\$0.00
Total	\$45.00

AFFIDAVIT OF SERVICE



M. Pham King Co. #9402780

Subscribed & sworn to before me this
19th day of June, 2007.



Peter A. Valente-Notary Public in and for the
State of Washington, residing at Seattle.
Commission expires June 7, 2008.

Exhibit 4

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

JOHN G. GISSBERG,

Lawyer (Bar No. 19677).

Supreme Court No.

DECLARATION OF MAIL
SERVICE

The undersigned Disciplinary Counsel of the Washington State Bar Association declares that she caused a copy of the Petition for Interim Suspension and Declaration of Disciplinary Counsel to be mailed by regular first class mail with postage prepaid on the 16th day of July, 2007 to:

John G. Gissberg
Attorney at Law
715 S Lane St Ste C
Seattle, WA 98104-3022

I declare under penalty of perjury under the laws of the State of Washington that the foregoing declaration is true and correct.

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
07 JUL 18 AM 7:46
BY RONALD REARRENTER
CLERK

July 16, 2007

Date and Place

Seattle, WA

Sachia Stonefeld Powell

Sachia Stonefeld Powell
Bar No. 21166
Disciplinary Counsel
1325 4th, Suite 600
Seattle, WA 98101-2539
(206) 733-5907